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10 *Attorney for Defendant Ezekiel Yost

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 United States of America,

14 Plaintiff,

15 v.

16 Ezekiel Hanalei Kalei K. Yost,

17 Defendant.

Case No. 2:22-mj-00848-DJA

**Unopposed Motion to Vacate
Status Conference**

18 **I. Introduction**

19 Counsel for Mr. Yost respectfully requests that the Court vacate the status
20 conference set for June 20, 2025, and decline to reduce Mr. Yost's conviction for
21 Operating a Motor Vehicle while Under the Influence of Drugs to reckless driving.

22 **II. Procedural Background**

23 The government charged Mr. Yost in a complaint (ECF No. 1) with two counts:

- 24 • Count One: Operating a Motor Vehicle while Under the Influence of
25 Drugs, 36 C.F.R. § 4.23(a)(1); and
- 26 • Count Two: Speeding, 36 C.F.R. § 4.21(c).

27 (ECF No. 1.)

1 Mr. Yost entered a plea agreement. (ECF No. 16.) Pursuant to that plea
2 agreement, Mr. Yost pleaded guilty to Count One. (ECF No. 15.) He was sentenced
3 as follows:

4 Defendant is sentenced to one year unsupervised
5 probation; \$500.00 fine and \$10.00 penalty assessment;
6 attend and complete lower court DUI course and victim
7 impact panel; and restricted from Lake Mead National
8 Recreational Area for 6 months. If the defendant
9 successfully completes his conditions within the first six
months, government counsel will move to amend count one
to Reckless Driving 36 CFR Section 4.2(b)/NRS 484.653(1),
see plea agreement.

10 (ECF No. 15.)

11 Defense counsel has lost contact with Mr. Yost and has been unable to verify
12 whether he has completed the conditions of supervision that would warrant a
13 reduction to reckless driving. The last time that defense counsel spoke with Mr. Yost
14 (around August 2024), Mr. Yost was homeless and living out of his vehicle. Since that
15 time, defense counsel and Federal Public Defender staff have made multiple
16 unsuccessful attempts to contact Mr. Yost, including through relatives. Under the
17 circumstances, defense counsel would respectfully request that the Court vacate the
18 status conference set for June 20, 2025,¹ and decline to reduce Mr. Yost's conviction
19 for Operating a Motor Vehicle while Under the Influence of Drugs to reckless driving.

20 Defense counsel has conferred with Assistant United States Attorney Skyler
21 Pearson who has no opposition to this motion.

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27 ¹ In addition, defense counsel plans to be out of the district at an intensive,
off-site training on the date set for the status conference.

1 **III. Conclusion**

2 Defense counsel respectfully requests that the Court vacate the status
3 conference set for June 20, 2025, and decline to reduce Mr. Yost's conviction for
4 Operating a Motor Vehicle while Under the Influence of Drugs to reckless driving.

5 Dated June 2, 2025.

6 Respectfully submitted,

7
8 Rene L. Valladares
9 Federal Public Defender

10 /s/ Rick Mula

11 Rick Mula
12 Assistant Federal Public Defender

13
14 IT IS SO ORDERED:

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16 
17 UNITED STATES MAGISTRATE
18 JUDGE

19 DATED: 6/03/2025